

OLC #78 399/99

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MEMORANDUM FOR MESSRS. LAPHAM, [redacted]

SUBJECT: Title II, provisions with respect to collection, retention, and dissemination of information

Attached is the DoD package on what we believe would be most productive to consider at the next meeting. The only "overlapping" issue raised by other provisions is undisclosed participation in domestic organizations. We have debated that issue at great length in connection with the Executive Order and it is unlikely that decisions made in connection with the issues contained in the DoD package will adversely affect decisions made on undisclosed participation.

Attached at Tab A you will find an outline of the issues raised by the DoD redraft of Parts A and B of Title II. At Tab B you will find our proposed redraft of Parts A and B. At Tab C you will find a line-in line-out comparison of the DoD draft and the bill.

We urge strongly that the debate on collection, retention and dissemination of information focus on the proposed draft so that as issues are resolved and sorted out for the SCC they are based on a common understanding of the outcome.

Signed [redacted]

"ISSUES" IDENTIFIED AND OTHER COMMENTS ON THE PROPOSED  
DEFENSE DEPARTMENT REDRAFT OF PARTS A AND B  
OF TITLE II, S. 2525

PART A. GENERAL PROVISIONS

Sec. 201, Short Title

No issue is seen in change of the title to "Intelligence Regulation." This is more descriptive of the actual contents of title II than is the present title.

Sec. 202, Statement of Findings (DELETED)

No issue is seen in deletion of this section since the "Statement of Findings" at Sec. 102 should be sufficient for the entire Act.

New Sec. 202 (old Sec. 203), Statement of Purposes

Changes made to this section are primarily editorial. Deletion of the references to remedies and sanctions does not pose an issue.

New Sec. 203 (old 204) Definitions

The definitions contained in this section do not raise significant issues. The only definitions included are those directly relating to Part B. Other definitions will be added when the remainder of title II is reviewed.

--Added definitions: "collecting agency," and "personal information"

--Deleted definitions: "confidential records," "covert human source," "mail cover," "national agency check," "physical surveillance," and "United States."